

Original

RECEIVED
IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
2005 NOV -1 A 9:18

Volante Jones #165217
Full name and prison number
of plaintiff(s)

v.
Charles W. Storry, Circuit
Court Clerk for Chambers
County, suing in his Individual
and Official Capacity

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

CIVIL ACTION NO. 2:05CV1080-T
(To be supplied by Clerk of
U.S. District Court)

Civil Rights Complaint
with a Jury Demand
Jurisdiction

This is a Civil action under 42
U.S.C. §1983. This Court has
Jurisdiction under 28 U.S.C. §1343.
Plaintiff also invokes the pendant
jurisdiction of this court.

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court
dealing with the same or similar facts involved in this
action? YES () NO (☒)
- B. Have you begun other lawsuits in state or federal court
relating to your imprisonment? YES () NO (☒)
- C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

N/A

2. Court (if federal court, name the district; if
state court, name the county) _____

N/A

3. Docket number N/A

4. Name of judge to whom case was assigned N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT Easterling Corr. Facility,
200 Wallace Drive, Clco, Ala. 36017

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED Easterling Corr.
Facility, by way of mail to Clerks Office, no response.

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

	NAME	ADDRESS
1.	<u>Charles W. Storey,</u>	<u>Circuit Court Clerk P.O. Box 317,</u> <u>Lafayette, Ala. 36862</u>
2.		
3.		
4.		
5.		
6.		

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED On or about
March, April and May of 2005

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE:

See attached

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

"See attached"

GROUND TWO:

"See attached"

SUPPORTING FACTS:

GROUND THREE:

"See attached"

SUPPORTING FACTS:

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

"See attached"

** Volante Jones*

Signature of plaintiff(s)

Volante Jones

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on

10-26-05

(Date)

** Volante Jones*

Signature of plaintiff(s)

Volante Jones,

Supporting Facts

1. The Plaintiff has requested a copy of his Criminal records on several occasions, from the Defendant (Clerk of the Court of Chambers County) without success.
2. The Defendant (Storey) has failed to provide the Plaintiff with a copy of requested records on the following Dates: March 9th, 2005, May 1st, 2005, May 25th d, 2005, and July 28th 2005.
3. The Defendant has denied the Plaintiff access to his criminal records as follows: IN RE: Case No(s) N99000274, Robbery III; warrant ~~ON~~ Charge, Grand Jury Indictment on charge, Sentencing orders on charge, Case Summary action Sheet on charge, Plea ~~agreement~~ agreement on charge and a copy of P.S.I. report on charge.
4. The Plaintiff has informed the Defendant that he is willing to pay for copies of requested documents and Defendant has failed to respond to request.
5. Defendant (Storey) is denying the Plaintiff meaningful access to the Court by failing to provide the Plaintiff with a copy of requested records or a charging fee per document.
6. The Plaintiff has a constitutional right to re-address his Grievances and has been unable to because the Defendant has denied him access to significant documents that will assist the Plaintiff in filing under Postconviction Remedies.
7. The Defendant has violated State Law by failing to provide the Plaintiff with a copy of requested documents or charge a fee for copies under § 36-12-40 et seq, Ala. Code 1975.
8. Plaintiff has a statutory right to requested records under § 36-12-41, Ala. Code 1975.

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9. The term "Public Writings" includes Judicial records under the Open records act, (Ala. Code 1995, § 36-12-40 et seq.).
10. The Plaintiff wants to file under Postconviction Remedy requesting relief from his sentence, which is a legitimate Purpose for requesting documents.
11. The Defendant has failed to respond to the Plaintiff's request for copies of his own criminal records.
12. The U.S. S.Ct. has recognized that the Plaintiff has a Common Law right of Public access to Judicial records.
13. Furthermore Prisoners have a Constitutional right of access to the courts by way of the U.S.C.A. Const. Amend. 14.
14. Plaintiff will suffer a Grievance loss if his Due Process rights are not upheld and suffer prejudice.

ClaimsFirst Cause of action

Ground One: Denial of access to the courts; Equal Protection of Law.

The actions of Defendant (Charles Story, Clerk of the Circuit Court of Chambers County) stated in Paragraphs 1 through 14 denied the Plaintiff his First and Fourteenth amend. right to access to the courts when:

- a.) Defendant failed to respond to Plaintiff's request for access to his criminal records.
- b.) Defendant refused to allow the Plaintiff a copy of Judicial records.

Second Cause of action

Ground Two: Denial of 'Public Writings'; Due Process.

The actions of the Defendant stated in Paragraphs 1 through 14 violated the Plaintiff's Statutory and Due Process right to "Public Writings" and records pertaining to his criminal records when:

- a.) Defendant refused to respond to Plaintiff's request to access ~~to~~ requested records.

Third Cause of action

Ground Three: Due Process.

The actions of defendant stated in paragraphs 1 through 14 violated the Plaintiff's Due Process right to meaningful access to the courts by way of Post conviction Remedy when:

- a.) Defendant failed to respond to Plaintiff's request for a copy of Judicial records that would assist him in re-addressing his Grievances, the Plaintiff's rights are secured and protected under the Fourteenth Amend.

Fourth Cause of action

Ground Four: state statute and Common Law right.

The actions of the Defendant stated in Paragraphs 1 through 14, Violated State Statute and Common Law right of Public access to Judicial records when:

- a.) The Defendant refused to provide the Plaintiff with a copy of his criminal records.
- b.) The Defendant failed to provide the Plaintiff with a fee for payment of Judicial records and Documents requested.
- c.) The Defendant Denied the Plaintiff access to Judicial records.

Relief

Wherefore, Plaintiff requests this Honorable Court Grant the following relief:

A. Issue a declaratory judgment that defendants violated State Statute and common Law right when:

- 1.) Defendant failed to provide the Plaintiff with a copy of Judicial records upon request.
- 2.) Defendant failed to respond to Plaintiff and allow him to know the fee for payment of documents and records.
- 3.) Defendant denied Plaintiff access to his criminal records; so that he can seek meaningful access to the courts.

B. Issue a Declaratory Judgment that Defendant violated the Plaintiff First amend. and Due Process (Equal Protection Clause) rights when:

1.) The Defendant failed to provide the Plaintiff with a avenue to be able to receive a copy of requested records and or documents; either by way of giving him a copy or by charging a fee per document.

3.) The Defendant denied the Plaintiff 'Equal Protection of the law'; causing the Plaintiff to suffer prejudice because the Defendant refused to provide the Plaintiff with a method, so he could obtain records to be utilized under a Postconviction Remedy.

C. Issue an injunction ordering that Defendant

- 1.) Refrain from refusing to provide the Plaintiff with a copy of judicial records.
- 2.) Refrain from ^{not} responding to the Plaintiff and let him know what the fee for payment of each record or document is.
- 3.) Refrain from refusing to respond to the Plaintiff concerning his request for Public Records.
- 4.) Refrain from denying the Plaintiff from a meaningful access to the courts.
- 5.) That the Defendant provide the Plaintiff with a copy of requested records.

D. Issue an injunction ordering that Defendant;

- 1.) Provide the Plaintiff with a copy of requested records and documents.

E. Grant Compensatory damages in the following amount:
1.) \$5,000 against Defendant Story 4;

F. Grant Punitive damages of \$10,000 against Defendant Story 4.

I Declare under the Penalty of Perjury that the foregoing is true and correct. Executed on: 10-26-2005.

Signed: Volante Jones
Volante Jones, Pro se

Respectfully Submitted:
Signed: Volante Jones
Volante Jones,
Easterling Corr. Facility,
200 Wallace Drive,
Chick, Ala. 36017

Signed: Volante Jones
Signature of Plaintiff,

I Declare under the Penalty of Perjury that the
foregoing is true and correct. Executed on: 10-26-05
(Date)

Signed Volante Jones
Volante Jones

Certificate of Service

Indication of notification of Service has not been
rendered by the clerk of the U.S. District Court for the
Middle District of Alabama to the Respondent in this
matter. I am a Pauper/Indigent.

Done this 10th day of October 2005.

In the U.S. District Court for the
Middle District of Alabama

Signed: Volante Jones
Volante Jones, Pro se
AJS #: 165217
Easterling Corp. Facility
200 Wallace Drive
CLB, Ala. 36017